

# **EXHIBIT 5**

**Subject:** RE: [EXTERNAL] Motion for Pre-Deposition Discovery, In re: New York City Policing During Summer 2020 Demonstrations

**Date:** Monday, April 11, 2022 at 1:56:02 PM Eastern Daylight Time

**From:** Braun, Daniel (Law)

**To:** Michael Spiegel, Weiss, Dara (Law), Weng, Jenny (Law), Nelson, Genevieve (Law), Robinson, Amy (LAW)

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Michael,

Defendants have reviewed your draft motion for pre-deposition discovery, which you sent late on this past Friday afternoon, and write here with their position.

First, defendants disagree entirely with your characterization of the facts. Second, the number of high-ranking officers present is in direct relation to the complete destruction three days earlier of the businesses on Burnside and Fordham Aves., which they did not want repeated. Third, it was the Chiefs, not the supervisors within a bike squad, who made the decision as to where the bikes were formed.

With that being said, defendants have produced a great many “detail rosters” for SRG at Mott Haven. Defendants will attempt to give them Bates Nos. But, detail rosters will not necessarily give you the names of the bike officers present, especially if they were not originally assigned to the protest and simply arrived based on a later communication. There will likely be no documentation reflecting that.

Regarding BWC, to the extent it has not been provided for the bike officers whom defendants can identify, it will be provided pursuant to the deposition protocol. If defendants can provide it earlier than two days prior to the depositions, then as a courtesy, defendants will do so.

Defendants will not produce audit trails without good cause. They give much info that is not relevant to this case. Defendants can provide the info from the logs when cameras were turned on and off, if plaintiffs believe that is an issue. Please note though that such info would be provided two days before the depositions.

Yours,

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Dear Counselors,

Attached hereto is a Motion for Pre-Deposition Discovery that plaintiffs intend to file with the Court by 5:00 p.m. on Monday, April 11, 2022, absent a response from defendants making it unnecessary.

Yours,

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